

UTAH LABOR COMMISSION

FY 2009 Annual Report

July 1, 2008, through June 30, 2009

Safety in Utah's Workplaces • Fairness in Employment and Housing



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November 2009

Honorable Gary R. Herbert
Governor, State of Utah

Honorable Members
of the Utah State Senate

Honorable Members of the
Utah House of Representatives



I welcome the opportunity to provide the FY2009 Annual Report and thank Governor Herbert and members of the legislature for their support of our efforts to provide services to the residents of the state of Utah. I hope you will be encouraged to learn more about the Labor Commission through its contents.

I believe our mission to achieve safety and fairness in Utah's workplaces is demonstrated through the dedication of our employees who continue to be some of the most knowledgeable and experienced in the state. I express my appreciation for their commitment and excellence.

As we work together to incorporate changes initiated in the past year, we conclude that the future of the working environment in Utah remains positive. We will continue taking innovative steps to better serve the people of the state and look forward to an environment of working partnerships with the public and private sector in assuring safety and fairness in Utah's workplaces.

Respectfully,

A handwritten signature in dark ink, appearing to read "Sherrie Hayashi". The signature is fluid and cursive.

Sherrie Hayashi, Commissioner

UTAH

LABOR COMMISSION

The Utah Labor Commission's Mission is to lead in achieving safety in Utah's workplaces and fairness in employment and housing.

Values

The Labor Commission's values are instilled in our programs, our relationships with the public we serve, our colleagues, and the community in general. The Commission embraces these values in the way we lead and support the Commission every day:

- Each person has value and worth — each individual we interact with has a point of view that is important. For these reasons, we respect individual lives and histories and treat each person equitably.
- We respect and follow the statutes and regulations that govern our activities.
- The public interest is advanced by transparent and open processes.
- We owe the people of Utah and our colleagues at the Commission the highest level of competency and service.
- Commission employees deserve a workplace that provides support, safety, and respect.
- Professional development is essential to a competent, dedicated staff and, ultimately, to the success of the Commission.

Organization



Who We Are & What We Do



The Utah Labor Commission is the regulatory agency central to preserving the balance established by the legislature for protecting the health, safety, and economic well-being of employees and employers. It is a multi-division state agency directed by a Commissioner who is appointed by the Governor. The Commissioner oversees the various functions of the divisions within the Commission.

Labor Commission Divisions

- Antidiscrimination & Labor
- Industrial Accidents
- Utah Occupational Safety & Health
- Boiler, Elevator and Coal Mine Safety
- Adjudication
- Administration

Although not Divisions of the Commission, the Legal Unit and Workplace Safety also provide essential services for the Commission and are contained within this report.

Following is a summary of services provided by the divisions:

Antidiscrimination & Labor Division (UALD)

(801) 530-6801 or Toll Free (800) 222-1238

Employment Discrimination:

We enforce Equal Employment Opportunity laws, which prohibit discrimination in employment based on *race, color, sex, national origin, disability, age (over 40), religion, or pregnancy*.

Housing Discrimination:

Under the Utah and Federal Fair Housing Acts, individuals have the right to rent, purchase, or finance housing without discrimination based on *race, color, national origin, religion, sex, familial status (families with children under 18), disability, or source of income (state, local, or federal government assistance, including housing assistance)*.

Wage Claim Unit:

We enforce Utah's wage laws and provide assistance with:

- Wage claims.
- Employment of minors.
- Utah's Minimum Wage.
- Payday requirements.
- Wages/severance upon termination.
- Legal payroll deductions including employee uniforms.
- Vacation, sick leave and holiday pay policies.
- Retaliation against anyone for asserting their rights protected under these laws.

UALD provides free mediation services for complaints filed with our office.

Industrial Accidents Division

(801) 530-6800 or Toll Free (800) 530-5090

The Division helps injured workers receive timely benefits and resolves disputes under the state's Workers' Compensation Act by:

Compliance:

Enforcing the requirement that employers have workers' compensation coverage.

Claims:

Providing assistance to injured workers, employers, medical providers and other parties in the workers' compensation system.

Mediating disputes between injured workers, employers and insurance carriers.

Utah Occupational Safety & Health (UOSH)

(801) 530-6901 or Toll Free (800) 530-5090

Private Sector OSHA Consultation:

We offer workplace safety and health services:

- Surveys to identify workplace hazards.
- Safety and health program review.
- Industrial hygiene sampling.
- Safety and health training.
- Safety and health information.
- Safety and health excellence awards

These consultation services are offered without citations or penalties at no cost to private sector employers with 250 Utah employees or less. They are confidential and offered only at the employer's request.

Public Sector Consultation:

Consultations are also available for public sector employers.

Compliance:

UOSH Compliance inspects workplaces to assure that employers are:

- Furnishing places of employment free from hazards which can cause serious physical harm to workers.
- Complying with safety and health standards and regulations.

Compliance Assistance Specialists provide information regarding OSHA standards and can be available for seminars, workshops, and speaking events.

Division of Boiler, Elevator & Coal Mine Safety

(801) 530-6850

The Division inspects boilers, pressure vessels, and elevators for safe construction and operation while applying national engineering and inspection standards, and conducts miner certification testing via our satellite office in Price. The Division also participates in developing those standards, which are listed in our Compliance Manuals and can be found on our website at: <http://www.laborcommission.utah.gov/BoilerandElevatorSafety/ComplianceManuals.html> or by calling our office at (801) 530-6850.

The Office of Coal Mine Safety (OCMS) is new to the Division in FY2009 and is still in its implementation stage. OCMS has the charge to maximize coal mine safety and develop partnerships within the industry to help guide the state and the federal government in assuring that there is a culture of safety within all our mines.

Adjudication Division

(801) 530-6800

The Adjudication Division consists of seven Administrative Law Judges and their support staff, and includes an office in Southern Utah, currently located in Parowan. The Division conducts formal administrative hearings on:

- Workers' compensation disputes.
- Workers' compensation employer penalties.
- UALD employment discrimination determinations.
- UOSH penalty citations.

Commission Advisory Boards by Statute

- The Workers' Compensation Advisory Council
- The Utah Antidiscrimination Advisory Council
- Mine Safety Technical Advisory Council

These Advisory Boards, made up of individuals representing employees, employers, and the public at large, are appointed by the Labor Commissioner for specific terms. They advise the Commission, its Divisions and the Legislature on issues regarding legislation, rules, and the enforcement of statutes administered by the Commission.

Statutes Administered by the Commission

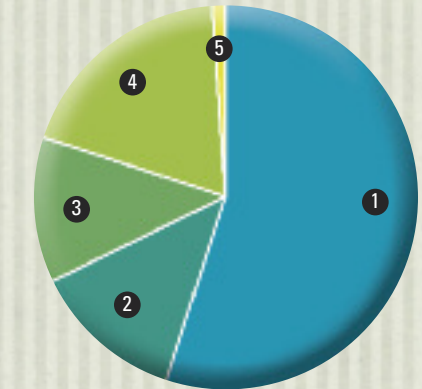
- Utah Labor Laws, Title 34
- Utah Antidiscrimination Act, Chapter 5, Title 34A
- Workers' Compensation Act, Chapter 2, Title 34A
- Utah Occupational Disease Act, Chapter 3, Title 34A
- Utah Boiler/Elevator Inspection Law, Chapter 7, Title 34A
- Utah Occupational Safety & Health Act, Chapter 6, Title 34A
- Utah Injured Worker Reemployment Act, Chapter 8, Title 34A
- Coal Mining Laws, Chapter 2, Title 40
- Utah Fair Housing Act, Chapter 21, Title 57
- Administrative Rules, R600 – R616

Utah Labor Commission Budget Summary — FY2009

Fiscal Year Ended June 30, 2009

Revenues

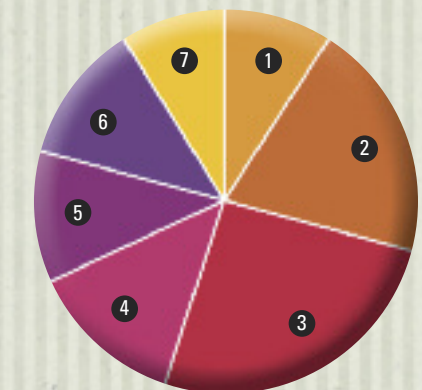
(percent of total)



- 1 General Funds (55%)
- 2 Workplace Safety Fund (13%)
- 3 Uninsured Employers Fund (12%)
- 4 Federal Grants (19%)
- 5 Employers Reinsurance Fund (1%)

Expenditures by Division

(percent of total)



- 1 Workplace Safety Projects / Grants (9%)
- 2 Management and Administrative Services (20%)
- 3 Utah Occupational Safety & Health Division (26%)
- 4 Antidiscrimination / Labor Division (13%)
- 5 Industrial Accidents Division (11%)
- 6 Boiler, Elevator & Coal Mine Safety Division (12%)
- 7 Adjudication Division (9%)

Utah Labor Commission Budget Summary — FY 2009

Fiscal Year Ended June 30, 2009

with Comparative Totals for Year Ended June 30, 2008

(in dollars)

| | FY 2009 | FY 2008 |
|--|---------------------|-------------------|
| Revenues: | | |
| General Funds | \$ 6,701,200 | 6,679,600 |
| General Fund carryover from prior year | — | 65,000 |
| General Fund that was returned at the end of the year | -6,700 | -4,300 |
| Workplace Safety Fund | 1,580,300 | 1,588,400 |
| Workplace Safety Fund carryover from prior year | — | 500,000 |
| Unused Workplace Safety Fund appropriation that was returned | -58,800 | -677,400 |
| Uninsured Employers Fund | 1,517,100 | 1,227,400 |
| Unused Uninsured Employers Fund appropriation that was returned | -21,100 | -180,400 |
| Employers Reinsurance Fund | 73,000 | — |
| Federal Grants | 2,324,900 | 2,217,400 |
| Mine Certification | 20,100 | 42,900 |
| Contributions | 25,000 | — |
| Total Revenues | \$12,155,000 | 11,458,600 |
| Expenditures: | | |
| By Division: | | |
| Utah Occupational Safety & Health Division | \$ 3,170,500 | 3,038,900 |
| Antidiscrimination / Labor Division | 1,636,800 | 1,429,000 |
| Industrial Accidents Division | 1,327,600 | 1,235,200 |
| Boiler, Elevator & Coal Mine Safety Division | 1,430,700 | 1,224,400 |
| Adjudication Division | 1,149,700 | 1,159,300 |
| Workplace Safety Projects / Grants | 1,054,400 | 1,031,700 |
| Management, Administrative, Computer Support and Central Office Costs | 2,385,300 | 2,340,100 |
| Total Expenditures by Division | \$12,155,000 | 11,458,600 |
| By Type of Expense / Expense Category: | | |
| Salaries & Benefits | \$8,686,700 | 8,019,200 |
| Travel Costs | 88,500 | 138,900 |
| Data Processing | 1,006,300 | 1,189,100 |
| Other Operating Expenses | 1,229,000 | 1,181,000 |
| Pass Through Workplace Safety Grants | 1,144,500 | 930,400 |
| Total Expenditures by Type of Expense / Expense Category | \$12,155,000 | 11,458,600 |

FY 2009 Cost-Saving Measures to Meet General Fund Revenue Shortfalls

The following is a summary of the efforts of the Utah Labor Commission and its Divisions to reduce expenditures for the 2009 fiscal year:

Personnel

- Decreased personnel costs by transferring several employees to federal grant programs when employees left or retired.
- Reduced travel, both in-state and out-of-state.
- Downsized the amount of employee incentive awards. Utilized non-cash incentives such as utilizing administrative leave where appropriate.
- Shared half of our DHRM analyst's time with other state agencies.
- Used telecommuting and teleconferencing as a way to save travel costs.

Purchases

- Scaled back on computer and office equipment purchases.
- Cut building furniture, maintenance and repair costs.
- Leased copiers from another state agency to avoid large upcoming one-time purchase costs.
- Delayed purchase of the vehicles authorized by the legislature until FY2010.

Funding Sources

- Implemented the Governor's "Working 4 Utah" program (office open from 7 a.m. to 6 p.m. four days a week) to reduce building heating and cooling costs, reduce transportation costs, and better meet the needs of the public and the employees.
- Worked with federal agencies to collect unpaid grant funds which date back four to five years.

- Negotiated a small concession on costs from the state's Department of Technology Services (DTS).
- Obtained authorization from the legislature for creating other sources of revenue rather than the General Fund.
- Closely monitored costs from Attorney General's office.
- Delayed filling a DTS position.
- Utilized a contribution from Inter-mountain Health Care.
- Closely monitored DTS computer programming costs.
- Consolidated costs where applicable between Coal Mine Safety and Boiler and Elevator Safety.
- Presented a week-long Workers Compensation Seminar using Labor Commission personnel rather than an outside seminar management company as was done in the past. Savings were significant and tuition revenues generated were placed in the Labor Commission Seminar fund.
- Brought an outside attorney into state employment with the Attorney General's office where billing rates are much less than outside attorney billing rates.

Training

- Transferred some education, training and public outreach/ trainings costs from funding by the General Fund to funding by the Labor Commission Seminar fund.
- Provided computer and other educational training to employees in-house rather than using more expensive outside training.



***A**s part of the Utah Labor Commission's commitment to seek cost-saving measures, we have worked with federal agencies to collect unpaid grant funds which date back four to five years.*

FY 2009 Accomplishments

During the fiscal year 2009, the Commission initiated several new programs while continuing successful projects that benefit Utah workers:

Web Page and Computer Databases

- Implemented the Online 123 project to allow medical providers to file the physician's First Report of Injury via the website, avoiding the mailing process, and thereby efficiently utilizing staff time to produce substantive work rather than manual entry of data.

Employee Development

- The office purchased an automated external defibrillator and trained all employees on its use.
- Employee orientation meetings were implemented with presentations from each division to familiarize all employees with Labor Commission's scope of responsibilities.
- As part of the Commission's commitment for employee development, a series of in-house computer trainings were held, plus:
 - Training on dealing with physical violence in the workplace
 - Personal protection while walking/traveling to the office
 - Use of a new language translation service for assisting the public

Community Relations

- Conducted educational sessions at the Refugee Service Provider Network, coordination of safety training workshops at the Mexican Consulate, and participated in Spanish TV and Radio shows with Telemundo, Entre Latinos and Pulso Latino 1550 AM.
- Relationship development through outreach, training, and education

strategies with a focus on refugee and limited English speaking communities.

- Ensured prompt response and equal access for all customers, along with consistency and quality of services.
- Launched a television/radio/internet media campaign to publicize the new online Workers' COMPCHECK which allows citizens to verify, via the web, if their employer has current workers' compensation.
- Implemented an enhanced, computerized telephone answering/message system for those high-volume times when customers contact the Commission and cannot reach an employee immediately.
- Continued to ensure the consistent delivery of information to a variety of community based organizations and coordination of Labor Commission services with the assistance of the Office of Ethnic Affairs for the State of Utah.
- Continued the improvement of safety for Labor Commission staff and customers, and installed additional camera surveillance in the hearing rooms and public areas.

Workplace Safety Grants Program

During FY2009, the Utah Labor Commission received 50 proposals for workplace safety grants. A total of 26 grants were awarded in the amount of \$1,043,000 toward the development of some notable projects which include:

- The Leonardo is working in collaboration with the Utah Labor Commission to develop "The Faces of Safety." This project will develop a personal, highly



A total of 26 workplace safety grants were awarded in the amount of \$1,043,000 toward the development of some notable projects.

visual, interactive means of understanding statistics via frequency representation. This exhibit and workshops will consist of a series of people's faces combined with safety statistics and containing simple interactive exercises for participants to emphasize techniques and methods to prevent or minimize accidents in the workplace.

- Collaboration with the Latin-American Chamber of Commerce designed to implement a safety awards luncheon and develop safety programs for small minority-owned Utah Businesses.
- Spanish language workshops provided by Alliance Community Services, created in collaboration with the Workers Compensation Fund of Utah, the Utah Safety Council and other Hispanic-Latino Community based organizations to increase workplace safety awareness and reduce the number of on-the-job injuries.
- Safety scholarships through the Utah Safety Council.
- Development of workplace safety classes for limited English speakers in partnerships with the Applied Technology colleges throughout Utah.
- The Labor Commission has distributed over 4,000 bilingual (English-Spanish) safety DVD's to employers, workplace safety specialists and community based organizations in Utah, California, and Colorado.
- This program has been so well received, that the Workplace Safety Grant Program has funded a new instructional DVD project through Center for Educational Programming in collaboration with the Utah Farm Bureau for FY2010 addressing farm worker safety.

Establishment of the Industrial Accidents Restricted Account

- First substitute Senate Bill 15 that was passed and signed into law in 2009 establishes the Industrial Accidents

Restricted Account (IARA) to fund Industrial Accidents and Adjudication Divisions.

- A surcharge of .50 of 1% on all Workers' Compensation insurance premiums paid by Utah employers will be used to fund the budgets for these two divisions at the Utah Labor Commission.
- Legislators are expected to appropriate budgets annually from the IARA for these two divisions.
- The IARA includes a "sweeping" mechanism to transfer any excess funds in IARA into the Uninsured Employers' Fund.

Reduction in Funding for Employers Reinsurance Fund (ERF)

In 1988, the Labor Commission began collecting a 7.5% surcharge on Workers' Compensation premiums to eliminate an unfunded liability related to the ERF. In January 1, 2010, the ERF assessment on workers' compensation premiums is expected to be reduced to 3.5%.

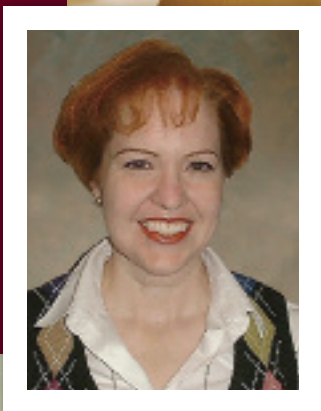
Energy Efficiency

The Labor Commission continued a comprehensive energy savings program during FY2009 which is part of the Governor's plan to save 20% in energy costs to the state over the next 10 years. The Labor Commission's program includes:

- Replacement of two gas powered vehicles with hybrid vehicles.
- Arranged for TRAX passes at a discounted rate for employees to encourage the use of public transportation.
- Expanded use of teleconferencing to save travel costs.
- Regular reminders to employees about conserving electricity and other forms of energy.

UTAH LABOR COMMISSION DIVISION OF

Antidiscrimination & Labor



Heather E. Morrison

DIRECTOR

(801) 530-6921

h Morrison@utah.gov

Mission:

To achieve equal employment and housing opportunity for all, and assure that Utah employees are paid the wages they have earned.

Overview

The Division enforces equal employment and housing laws, as well as Utah's laws regarding payment of wages, employment of minors and minimum wage laws.

The Division is organized into three units: the Employment Discrimination Unit; the Fair Housing Unit; and the Wage Claim Unit. The Division also has an alternative dispute resolution program that manages a successful mediation program for all three Units. The Division has an effective education and outreach program to educate employers, employees, housing providers, tenants, realtors, bankers, and the general public about the rights and responsibilities under the various laws enforced by the Division.

Enforcement

- Utah Antidiscrimination Act (Utah Code Ann. §34A-5-101 *et seq.*)
- Utah Fair Housing Act (Utah Code Ann. §57-21-1 *et seq.*)
- Utah Employment of Minors Act (Utah Code Ann. §34-21-1 *et seq.*)
- Utah Payment of Wages Act (Utah Code Ann. §34-28-1 *et seq.*)
- Utah Minimum Wage Act (Utah Code Ann. §34-40-101 *et seq.*)
- Utah Employment Selection Procedures Act (Utah Code Ann. §34-46-101 *et seq.*)

Through work-sharing agreements with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, the Division also enforces Federal employment and housing discrimination laws.

Internal Efficiencies

In FY2009, the number of wage claims filed with the Division jumped by more than 40%. In order to try to stay on top of this increase, and because it could not hire any additional new staff, the Division conducted a major reorganization of its wage claim unit. The staffing structure is now designed to take advantage of greater case processing efficiencies by allowing staff more autonomy to settle cases and issue decisions.

FY2009 Highlights

Employment Discrimination Unit:

- Closed 659 claims
- Collected \$860,151 for claimants
- Conducted 348 mediations

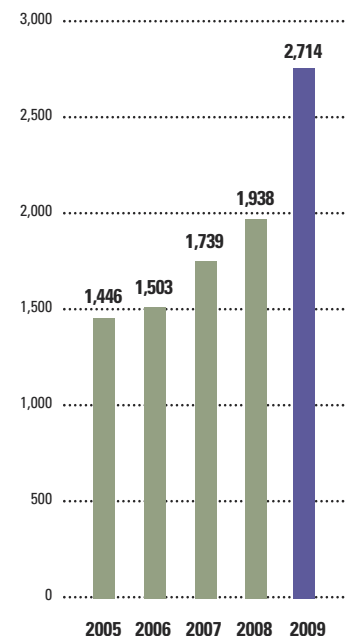
Fair Housing Unit:

- Closed 67 claims
- Conciliated 36 cases to resolution
- Collected \$128,356 for claimants

Wage Claim Unit:

- Processed 2,714 new case filings
- Closed 981 cases
- Conducted 155 administrative hearings and 132 formal settlement conferences
- Issued 1,110 written Orders
- Collected unpaid wages and fees totaling \$931,768

Wage Claims Filed per Year



UTAH LABOR COMMISSION DIVISION OF

Industrial Accidents



Larry D. Bunkall

DIRECTOR

(801) 530-6988

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Mission:

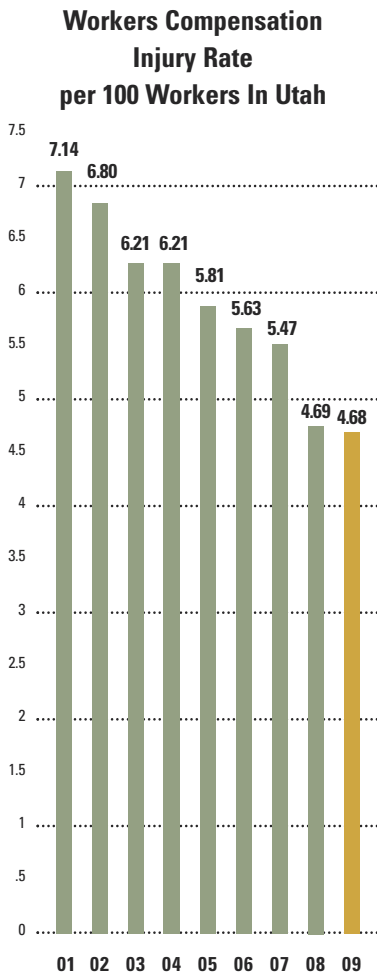
Monitors and enforces state required workers' compensation coverage; assists in resolution in workplace injuries fairly and efficiently; and promotes safety in Utah's worksites.

Overview

In Utah, less than five out of every 100 workers are injured annually. The best news is in the last nine years Utah's workplace injury rate has dropped.

Workers Compensation Injuries per 100 Workers in Utah

(Workplace Injuries Dropping Every Year in Utah)



The Industrial Accidents Division (IAD) is responsible for enforcement and administration of the Utah Workers' Compensation Act, which has been a state program since 1917.

When an employee is injured at work — their employer, with very few exceptions, is required by Utah law to cover the accident with workers' compensation insurance. WC is intended to provide medical care and partial wage replacement. These benefits are provided in exchange for employer immunity from personal injury lawsuits by their employees.

The Division monitors and enforces WC coverage; assists in resolution of workplace injuries; and promotes safety in Utah's worksites. We set medical provider fees to ensure quality access to WC medical care; and publish guidance in fair claims handling practices for insurance carriers. The Division has two sections to carry out major statutory responsibilities.

Claims and Mediation Section

The Section keeps records of all work-related injuries in the state; assists injured workers with returning to work as quickly as possible; and assists in resolving disputed claims through fair and efficient mediation.

Policy and Compliance Section

The Section monitors all employers in the state for compliance with the workers' compensation insurance requirement; investigates and penalizes employers who fail to comply with Utah's WC law; and certifies employers for WC self insurance.

ERF and UEF — Restricted Accounts

The Division Director is the administrator of the workers' compensation payment of benefits from two special trust funds known as the Uninsured Employers' Fund (UEF) and the Employers' Reinsurance Fund (ERF). ERF pays workers' compensation disability benefits to injured workers

who were injured prior to July 1, 1994, and are permanently and totally disabled. ERF is entirely funded by an assessment on all workers' compensation premiums. By statute, the ERF must be fully funded by 2025.

UEF pays the workers' compensation benefits to injured workers whose employers are either insolvent or bankrupt. By statute, UEF is primarily funded by an assessment on all workers' compensation insurance premiums paid in Utah, but is also funded by uninsured employer reimbursement and penalties assessed against uninsured employers.

ERF and UEF are actuarially sound according to the 2008-2009 report prepared by Deloitte Consulting LLP of Los Angeles, CA.

Establishment of the Industrial Accidents Restricted Account

First substitute Senate Bill 15 that was passed and signed into law in 2009 establishes the Industrial Accidents Restricted Account (IARA) to fund Industrial Accidents and Adjudication Divisions.

A surcharge of .50 of 1% on all Workers' Compensation insurance premiums paid by Utah employers will be used to fund the budgets for these two divisions at the Utah Labor Commission. These two divisions will no longer use appropriated General Fund monies. Legislators will instead appropriate budgets annually from the IARA. The IARA includes a "sweeping" mechanism to transfer any excess funds in IARA into UEF.

Outreach

The IAD team travels statewide offering seminars and workshops, speaking to business and employee groups, and serving as mediators in WC disputes.

Workers' Compensation Advisory Council

The WC Advisory Council is created by statute and chaired by the Utah Labor Commissioner. The Council's ten voting members are comprised of five members representing employers and five members representing employees. Other non-voting members include representatives of a private insurance carrier, a representative from the Workers Compensation Fund (Utah's largest WC insurance carrier) a physician, and a representative of the Utah Insurance Commission. The Council was created in 1953 and is the oldest WC Advisory Council in the nation. The advisory body reviews and advises the LC and Utah Legislators on all proposed workers' compensation legislation and rules.

Medical Fee Advisory Committee

The Labor Commission sets the fees a physician may charge for treatment of injured workers. The Commission appoints a Medical Fee Advisory Committee chaired by the IA Division Medical Director and Division Director. The committee is composed of physicians, a chiropractor, a physical therapist, and representatives from private insurance, self insurance, and the Workers Compensation Fund.



In Utah, less than five out of every 100 workers are injured annually. The best news is in the last nine years Utah's workplace injury rate has dropped.

Enforcement

- Utah Workers' Compensation Act (Utah Code Ann. §34A-2-101, *et seq.*)
- Utah Occupational Disease Act (Utah Code Ann. §34A-3-101, *et seq.*)
- Utah Injured Worker Reemployment Act (Utah Code Ann. §34A-8a-101, *et seq.*)

Internal Efficiencies

The IAD website had almost 195,000 hits in FY2009. The Workers' COMPCHECK proof of coverage look-up service has proven to be user friendly. Its use by Utah citizens tripled following a Public Service Announcement by Governor Huntsman in May 2009. NCCI (the National Council on Compensation Insurance, Inc) provides a searchable database which is electronically updated daily providing proof of Utah employers' WC insurance coverage information from 1986 to date.

The Division continues development of electronic reporting of First Reports of Injuries in combination with written forms for smaller employers. The UEF RePay System is nearing completion so collection of UEF benefits paid out to claimants will be better collected from their uninsured employers.

FY2009 Highlights

In FY2009, the Claims and Mediation Section:

- Recorded information on **57,001** reported injuries statewide.
- Assisted **278** claimants with informal alternative dispute resolution resolving disputes and preventing lengthy hearings on WC cases.
- Mediation increased by 18% to **308** cases with **81%** of the cases successfully resolved; saving time, money and other resources for claimants, employers, insurance carriers and the Labor Commission.

In FY2009, the Policy and Compliance Section:

- Investigations increased 13% to **2,564** employers found non-compliant with workers' compensation insurance, resulting in the issuing of **1,281** penalty orders.
- Collected approximately **\$1,971,907** in penalties from uninsured employers to assist in the payment of uninsured claims through the Uninsured Employers' Fund.
- Certified **52** of the state's largest employers for workers' compensation self-insurance.

In FY2009, the Employers' Reinsurance Fund (ERF):

- As of July 1, 2009, there were **1,340** individuals on the ERF's permanent total disability payroll; a decrease of **66** ERF claimants.
- Expenditures from the ERF were **\$19.3 million** in FY2009 with projected liabilities of **\$242.2 million** and a Fund balance of **\$173 million**.

Special Note: The fiscal impact of the Utah Supreme Court's Merrill vs. Utah Labor Commission decision on April 24, 2009 declaring the Social Security offset provision in statute to be unconstitutional, caused the ERF liabilities to jump up \$27.5 million in FY2009.

- In January 1, 2010, the ERF assessment on workers' compensation premiums is expected to be reduced to **3.5%** and the ERF is projected to be fully funded by 2013, 12 years ahead of schedule.

In FY2009, the Uninsured Employers' Fund (UEF):

- As of July 1, 2009, UEF projected liabilities were **\$12.7 million** with a fund balance of **\$23.2 million**.
- UEF had **135** open claims or injured claimants at the end of FY2009.
- Just under **\$2.7 million** in medical and lost wage benefits, and related expenses, were paid to eligible injured workers.
- The WC premium surcharge rate for UEF is expected to be reduced to **0.05 of 1%** for 2010.

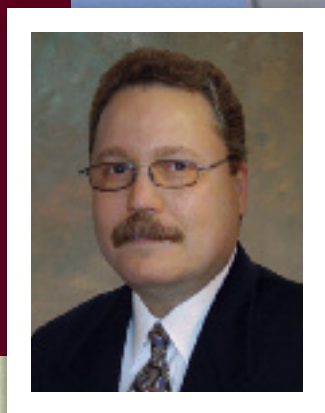
In FY2009, the IAD Team:

- Conducted **41 educational Outreach** visits involving **699 individuals**.
- Provided **two educational seminars** for medical providers and insurance carriers.
- Hosted the **7th Annual Utah Labor Commission Workers' Compensation Educational Conference** at the Utah Capitol Complex attracting over 170 participants.
- Updated and improved the **Division's web pages and publications**.
- Participated in monthly **Small Business Forums**.

UTAH

LABOR COMMISSION DIVISION OF

Utah Occupational Safety & Health



Louis M. Silva

DIRECTOR

(801) 530-6901

lsilva@utah.gov



Mission:

Achieving compliance and providing assistance with safety and health for Utah workplaces.

Vision:

“Working together we can make the beautiful State of Utah a safer place to work, elevating our safety and health culture to a higher level of excellence.”

Overview

Utah is an OSHA state plan state. The Utah Occupational Safety and Health Act of 1973 prescribes the authority for the implementation of the state plan and to establish and enforce occupational safety and health standards as effective as the Federal Standards under the Williams-Steiger Occupational Safety and Health Act of 1970, through the creation of the Utah Occupational Safety and Health Division (UOSH), under the authority of Title 34A, Chapter 6 of the Act. UOSH, commonly called Utah OSHA, believes in a balanced approach to compliance, through vigorous enforcement of the laws to protect Utah’s workers and a strong commitment to an effective agency role to improve workplace safety and health, elevating the safety and health culture of the state to a higher level of excellence.

UOSH also believes that the vast majority of employers want to provide a safe and healthful workplace for their employees. For these employers UOSH provides abundant technical resources

and opportunities to work with the Agency to prevent workplace tragedies. UOSH takes a balanced approach to “Compliance,” in which enforcement of rules is paramount, but also important is the recognition of employer cooperation and commitment to the elimination of hazards in the workplace and the protection of Utah’s workers.

UOSH is organized into three major units: 1) Compliance which deals with enforcement issues; 2) Consultation, which provides free training and other assistance to employers; and 3) Data Reporting and Statistics which works closely with the federal Bureau of Labor Statistics.

Enforcement

- Utah Occupational Safety & Health Act (Utah Code Ann. §34A-6-101, *et seq.*)

Compliance

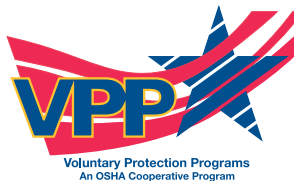
The workplace safety and health compliance inspection program is under the direction of the Division Director/OSHA Administrator and managed by a



compliance manager and two field supervisors. They direct the safety and/or health inspections at places of employment throughout the state. Safety/Health Officers conduct inspections in response to fatalities, accidents, complaints, and planned inspections as directed by emphasis programs for high hazard industries. Interventions are conducted with the vast majority being initiated by an external source (e.g. fatality, accident, employee complaint). All safety/health officers work from a central office in Salt Lake City. To assure coverage of the entire state, officers are sent periodically to other areas of the state for several days at a time.

During state FY2009 Utah Compliance conducted 1,375 interventions and issued 937 citations. Their activity directly affected 97,739 employees.

Voluntary Protection Program (VPP)



The Voluntary Protection Program (VPP) promotes comprehensive workplace safety and health management systems through cooperative relationships among management, labor, and OSHA. Admission to VPP status constitutes UOSH's official recognition of company management and employees who have achieved exemplary occupational safety and health. Through FY2009, UOSH recognized three companies with VPP status:

- Frito Lay410
- GE Healthcare670
- Morton Salt150

Total VPP Employees.....1,230

The Utah Occupational Safety and Health Division believes in vigorous enforcement of the laws which protect Utah's workers and is committed to a strong agency role to protect workers and improve workplace safety and health.

Consultation

During an on-site survey, Consultants identify, recommend and then suggest approaches or options for correcting or abating any serious hazards. Consultants also assist employers in developing or maintaining an effective safety and health management system, provide safety and health training, and identify resources available if an employer needs further assistance.

During FY2009, UOSH Consultants:

- conducted 678 safety and health interventions
- directly affected 76,144 employees
- offered bimonthly OSHA 10 Hour Construction Course in the Salt Lake City area and once in the St George and Heber/Park City areas at no cost to employers or employees
- trained approximately 280 workers from 100 companies as a result of these classes.

The Utah Labor Commission and UOSH believe in the importance of creating workplace safety and health awareness at a young age. In May 2009, UOSH Consultation began a month long campaign to create workplace safety and health awareness with regard to youth workers in our state.

Safety and Health Achievement Recognition Program (SHARP)



OSHA's Safety and Health Achievement Recognition Program (SHARP) recognizes small employers who operate exemplary safety and health management systems. Through FY2009, UOSH Consultation recognized four companies in the SHARP Program.

| | |
|-----------------------------------|------------|
| • Jennmar Corporation..... | 53 |
| • Wencor Group..... | 308 |
| • Futura Industries | 250 |
| • Sweet Candy Company | 158 |
| Total SHARP Employees..... | 769 |

Total UOSH Activity for FY2009:

- Inspections/Surveys (on-site): 955
- 55/66s Assistance: 1,098
- Total UOSH Interventions (Compliance/Consultation): 2,053
- Total Number of employees affected (Compliance/Consultation): 173,883

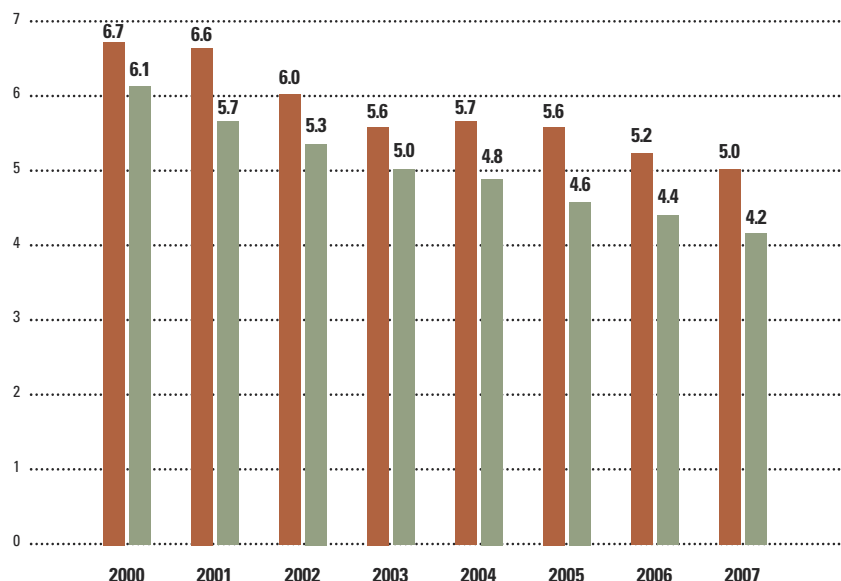
Bureau of Labor Statistics Program

This program makes it possible for UOSH and employers to know which standard industrial classification or types of industries have high injury/illness and fatality rates. This program (1) assists high incidence rate employers to improve safety diligence, (2) improves the consultation and inspection process, and (3) utilizes data to educate employers and employees on substance abuse and violence in the workplace. This program also allows UOSH to measure the relative effectiveness of its Compliance and Consultation programs.

Occupational Injury / Illness Rate per 100 Full-time Workers

2000 - 2007 Private Industry

Utah National



The most current (2007) Bureau of Labor Statistics data includes small farms, mining and transportation which do not come under UOSH jurisdiction.

UTAH

LABOR COMMISSION DIVISION OF

Boiler, Elevator & Coal Mine Safety



Pete Hackford

DIRECTOR

(801) 530-7605

phackford@utah.gov



Mission:

To maximize boiler, elevator and coal mine safety, and provide for effective coal mine accident response.

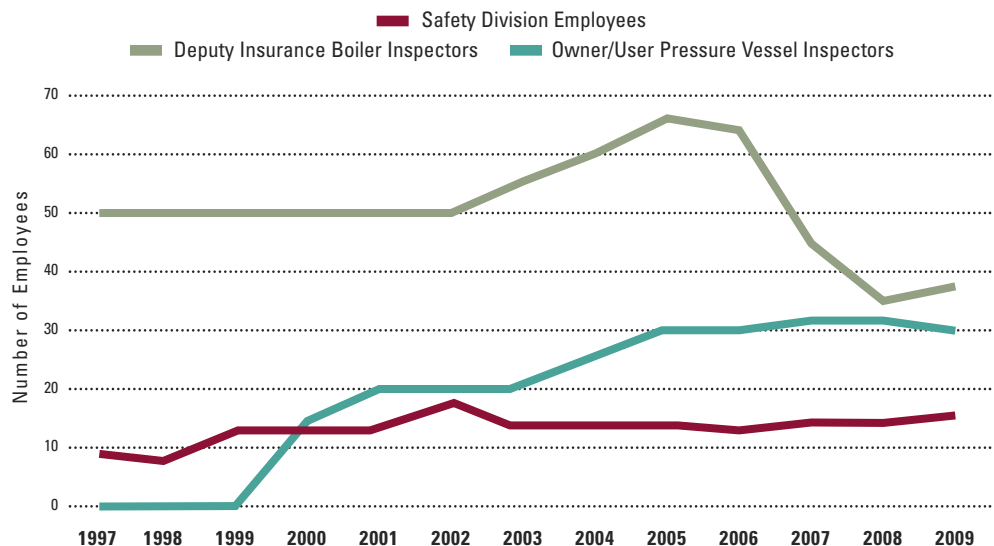
Overview

The Division is charged with the task of enforcing state laws as they pertain to boilers, pressure vessels, elevators, coal mines and miner certification. The Division employs twelve Boiler/Pressure Vessel and Elevator Inspectors to inspect the state's boilers, elevators and pressure vessels, along with inspectors from the private sector deputized by the Division, who are actually employed by insurance companies which underwrite boiler and pressure vessel policies. These inspec-

tions are performed at no cost to the state, but the inspection in turn generates revenue back to the state through an inspection certificate supplied by the Division.

The Division also has responsibility for the Miner Certification Program. Certification is mandated by Utah Statute and is headquartered in Eastern Utah. The duties charged to the Division are to administer five exams which are safety oriented and specific to the coal mining industry.

Personnel Comparison: Division of Boiler, Elevator & Coal Mine Safety vs. Private Sector

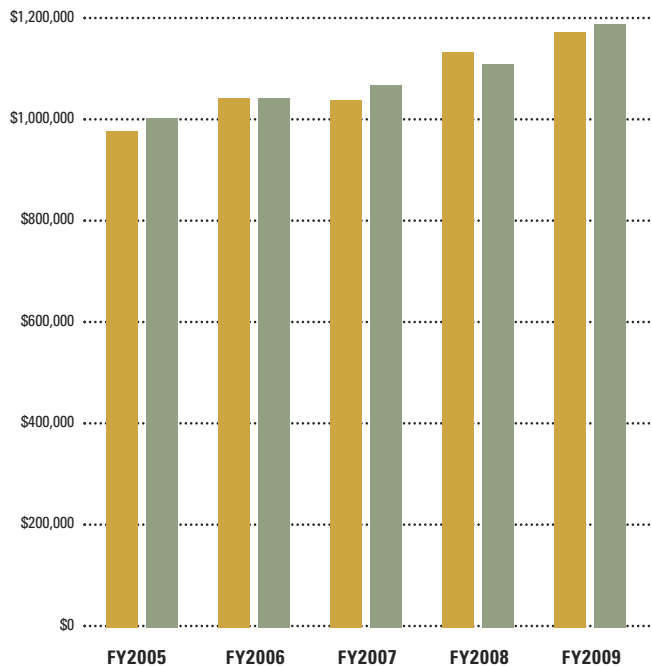


Personnel Comparison

The above chart shows how the Division compares to the private sector when utilizing inspectors to do business. The Division performs 60% of all state required safety inspections, while employing a smaller number of personnel.

Fees Generated vs. Expenditures

● Fees Generated ● Expenditures

**Revenue Comparison**

The above chart shows the amount of fee revenue generated in comparison to Division expenditures.



The Office of Coal Mine Safety (OCMS) is new to the Division in FY2009 and is still in its implementation stage. OCMS has the charge to maximize coal mine safety and develop partnerships within the industry to help guide the state and the federal government in assuring that there is a culture of safety within all our mines.

Enforcement

- Safety
(Utah Code Ann. §34A-7-101, *et seq.*)
- Coal Mine Safety Act
(Utah Code Ann. §40-2-101, *et seq.*)

FY2009 Highlights

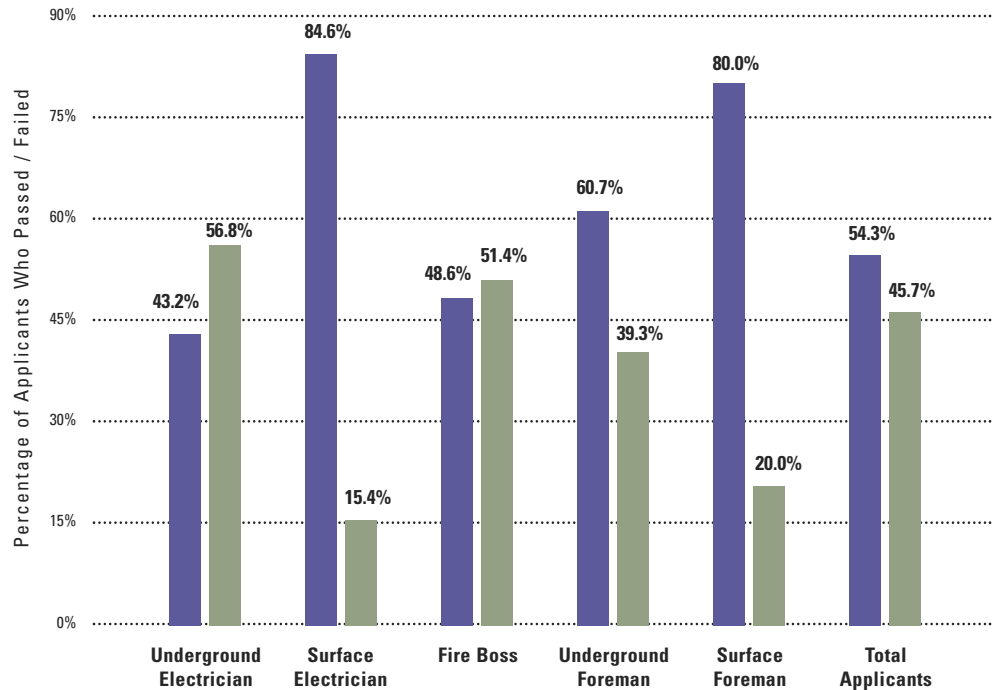
- Inspected 397 new elevators, 782 new boilers and 1,638 new pressure vessels
- Performed over 25,000 total inspections, internal and recertification
- Issued in excess of 15,500 operating permits
- Administered 401 mining exams under the Miner Certification Program
- Office of Coal Mine Safety (OCMS) visited every coal mine within Utah several times



The Office of Coal Mine Safety has the charge to develop industry and government partnerships which assure that there is a culture of safety within all our mines.

Miner Certification Overall FY2009

● Pass: 54.3% ● Fail: 45.7%



Miner Certification

The above chart shows FY2009 figures which will allow the division to monitor the trends in the examination process.

Challenge

Lowering the amount of elevator units overdue for inspection remains a challenge. Implementation of a combination boiler/elevator inspector to inspect in the rural areas, eliminating the need to have both a boiler and an elevator inspector travel to the remote areas is in the process to help alleviate this problem.

Miner Certification Panel

The Miner Certification Panel, a group of at least eight members (currently there are nine), appointed by the commissioner of the Labor Commission, administers the certifications tests. The panel also grades sections of the test that are non-written, consults with the commission about applicant qualifications, reviews test questions for accuracy and validity, and provides technical knowledge and advice regarding the coal mining industry.

UTAH LABOR COMMISSION DIVISION OF

Adjudication



Richard M. LaJeunesse
PRESIDING LAW JUDGE

(801) 530-6800

rlajeunesse@utah.gov

Mission:

T*o conduct all formal hearings for the Utah Labor Commission concerning aspects of employment related law in a fair, efficient, and effective manner.*

Overview

The Adjudication Division conducts Commission formal administrative hearings in workers' compensation, appeals of employment discrimination investigations, Utah Occupational Safety and Health (UOSH) citation appeals and workers' compensation insurance compliance penalty appeals. The Division employs 6.5 FTE administrative law judges and 5 FTE clerks. The Division also operates an office in Parowan to serve central and southern Utah.

Internal Efficiencies

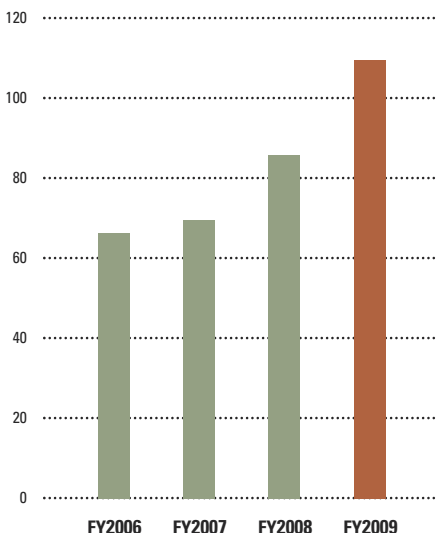
- Increases in efficiency in Division clerk duties allowed the Division to absorb the loss of one FTE clerk in December 2008 with no reduction in customer service, but did involve an increased workload for remaining clerks.
- A statutory change in May 2008 allowed the Division to end monitoring of accepted workers' compensation death claims. Those cases were closed by fall 2008.

- At the same time, analysis of the Division case tracking system led to increased case tracking capability and increased clerk efficiency.
- These changes, along with increased clerk training, enabled the Division to absorb the reduction of one FTE clerk in December 2009 with no reduction in customer service.

Challenges

The number of antidiscrimination investigation appeals filed with the Division has increased, which is causing a delay in scheduling workers' compensation hearings. Antidiscrimination investigation appeals increased from 85 in FY2008 to 108 in FY2009. Antidiscrimination appeal hearings block more time on the judges' calendars (an average two days for antidiscrimination cases versus 2-4 hours average for workers' compensation hearings). This, in turn, makes workers' compensation litigants wait longer for a hearing time slot on the judges' calendar because more time on the judges' calendars are taken up with antidiscrimination appeal hearings.

New Antidiscrimination Cases Filed



During FY2009, workers' compensation litigants went from waiting 4 months for the scheduling of a hearing date to 5.5 months by the end of the fiscal year. Continued increases in the number of antidiscrimination investigation appeals will further delay workers' compensation hearings.

FY2009 Highlights

- Utah Code § 34A-2-410.5 was implemented on July 1, 2008, and with it came the creation of a new expedited hearing process for the Division.
- During FY2009, the Division enacted both emergency and final procedural rules to implement the new expedited hearing process.
- Along with rules, the Division created new, web-based forms for use in filing claims along with a guide explaining the new process.
- The Division also enacted similar rules and forms for expedited hearings related to vocational rehabilitation in permanent total disability claims.
- In March 2009, the Division finalized new procedural rules to govern the hearing process in both antidiscrimination investigation appeals and occupational safety and health citation appeals.
- Continued to update Division webpage to better serve customers.
- Model settlement agreement forms for workers' compensation cases were created along with settlement agreement drafting tips for attorneys and an easy-to-read settlement information page for unrepresented injured workers.
- Existing Application for Hearing forms were made interactive on the website.

Statistics:

In addition to conducting the Commission's formal adjudication process, the Division also has a statutory obligation to review settlement agreements in all workers' compensation claims, even if there is no hearing pending. The Division is also required to review requests by injured workers for lump sum pre-payments of permanent partial disability compensation.

July 2008 – June 2009 (FY2009) Adjudication Case Activity

| | |
|--|------|
| Current open case load on July 1, 2009..... | 1046 |
| Combined new cases filed FY2009 | 1406 |
| Evidentiary hearings conducted.... | 311 |
| Hearings on preliminary motions or pre-hearing conferences conducted | 225 |
| Cases closed by settlement | 462 |
| Final decisions issued on the merits..... | 309 |
| Cases closed on procedural motion decisions..... | 464 |
| Interim decisions issued (workers' compensation medical panel cases)..... | 131 |
| Non-dispositive orders issued on pre-hearing motions..... | 588 |
| Medical panel referrals on workers' compensation cases ... | 149 |
| Miscellaneous orders..... | 2 |

Workers' Compensation Pre-Litigation Settlement / Lump Sum Reviews

| | |
|---|-----|
| Commuted settlement agreements approved | 149 |
| Disputed validity settlement approved | 217 |
| Third party settlements approved ... | 65 |
| Lump sum payment agreements approved | 235 |

UTAH

LABOR COMMISSION

Legal Unit



Alan Hennebold

DEPUTY COMMISSIONER
AND GENERAL COUNSEL

(801) 530-6937

ahennebold@utah.gov

Mission:

*In cooperation with the
Utah Attorney General,
to provide representation
and counsel to the Utah
Labor Commission.*

Overview

The Legal Unit provides legal support in all aspects of Labor Commission activity, including:

- Final agency review of decisions issued by the Commission's administrative law judges
- Appellate proceedings before the Utah Court of Appeals and Utah Supreme Court
- Legislation
- Rule-making
- Public information

Major Activities:

Motions for Review:

As noted elsewhere in this report, the Labor Commission enforces Utah's laws regarding workers' compensation, employment and housing discrimination, and workplace safety. Disputes that arise from any of these laws are decided by the Commission's administrative law judges, commonly referred to as "ALJs." Any party dissatisfied with an ALJ's decision can request review by either the Commissioner or the Commission's Appeals

Board. The Legal Unit assists the Commissioner and the Appeals Board in reviewing such cases.

Appellate Litigation:

Decisions of the Commissioner and Appeals Board are subject to review by the Utah Court of Appeals and Utah Supreme Court. The Legal Unit represents the Labor Commission in proceedings before these courts.

Legislative Issues:

The Legal Unit works with Commission staff, stakeholders, the Office of Legislative Research & General Counsel, and individual legislators in evaluating and drafting legislative proposals. The Legal Unit also participates in the formal legislative process by providing information to legislators and testifying at committee hearings.

Rule-Making:

In those areas where the Legislature has authorized the Commission to promulgate administrative rules, the Legal Unit assists the Commission and its Divisions in developing, drafting and enacting these rules.

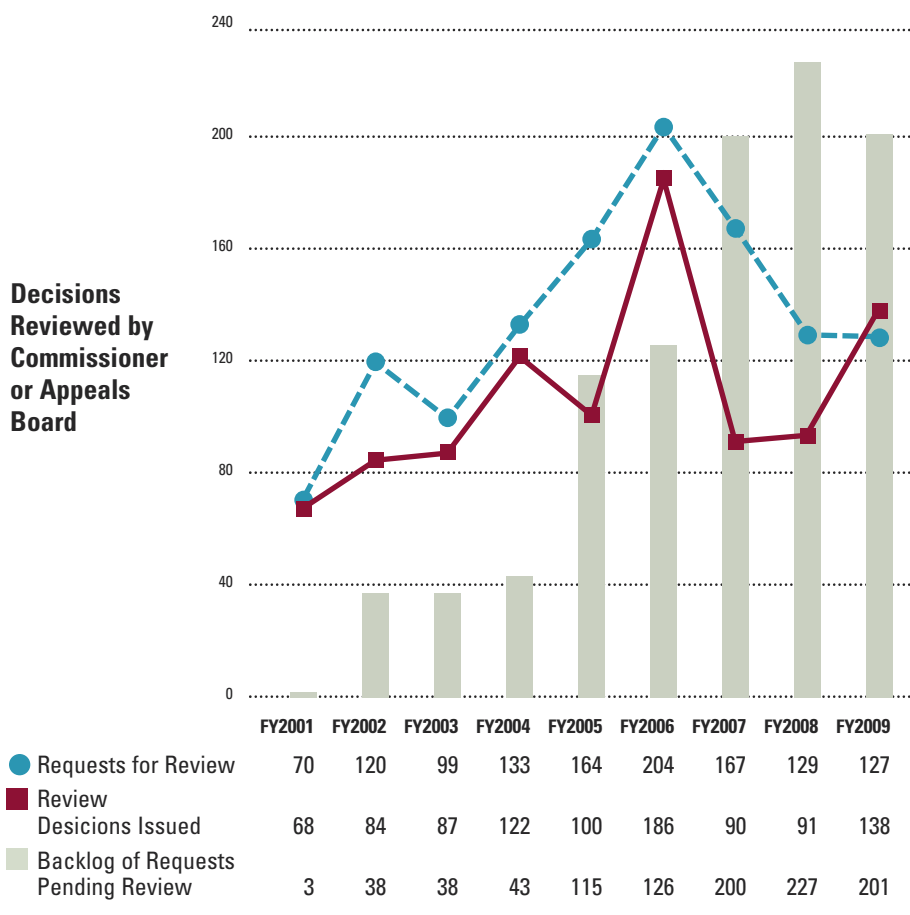
Public Information:

The Legal Unit participates in seminars and other opportunities to provide information about the Commission. The Legal Unit answers also answers public inquiries regarding any aspect of Commission activity.

Internal Efficiencies:

Among the Legal Unit's duties, managing the process for Commission's review of ALJs' decisions is the most challenging. The Commission's decisions must be correct and timely, but this has become more and more

Decisions Reviewed by Commissioner or Appeals Board



difficult due to the increased number of cases and the complexity of those cases.

- Over the last 10 years, the number of requests for Commission review of ALJ decisions has increased by approximately 200%.
- Although the Commission has increased its productivity in deciding these cases, the Commission has been unable to match the increasing workload. Consequently, the backlog of cases waiting for Commission action has increased. In 1997, there was no backlog. By July 1, 2008, the backlog reached a high of 227 cases.
- In order to mitigate this increasing backlog, the Commission has 1) reassigned existing staff and 2) implemented case screening procedures.

FY2009 Highlights

- **Review of Commission Decisions by Utah's Appellate Courts:** During FY2008 and FY2009, Utah's appellate courts have completed review of Commission decisions in 18 separate appeals and affirmed the Commission in 17 of those cases.
- Effective July 1, 2008, the Utah Legislature funded an additional attorney on an on-going basis to assist the Labor Commission in reviewing ALJs' decisions. As shown in the chart "Backlog of cases pending Commission review," above, this has resulted in the first reduction in cases waiting for decision in the last 10 years. The Commission anticipates that this additional attorney, coupled with other efficiencies already implemented, will continue to reduce the backlog of such cases.

UTAH

LABOR COMMISSION DIVISION OF

Administration



David Lamb

DIRECTOR

(801) 530-6816

dlamb@utah.gov

Mission:

To provide support and assist the divisions and employees of the Utah Labor Commission to serve the people of the state.

Overview

The Administration Division provides centralized office support, including accounting, budgeting, payroll, travel, and purchasing. It also coordinates services from several state agencies: Dept. of Human Services for personnel services, Dept. of Technology Services for computer support, State Dept. of Administrative Services for insurance, mail, motor pool, computerized financial and payroll processing, debt collection, building space, utilities and maintenance.

FY2009 Highlights

Employee Training and Education

The Labor Commission established a program for on-going education for its employees. All of them were planned to be in-house, in several areas that previously had been done outside the office. Prices were negotiated and the computer training was obtained at less than 50% of the standard prices under the state contracts.

Training areas include:

- Computer training in such areas as
 - Word processing (4 levels)
 - Computer presentations (2 levels)
 - Email systems (2 levels)
 - Spreadsheets (2 levels)
 - Computer forms design
 - Computer helpdesk software
- Cross training of responsibilities of other Divisions
- Dealing with violence in the office

- Personal safety
- Employee conduct
- Use of defibrillators
- Language translation services

Improved Office Safety

The Labor Commission reviewed electrical safety issues in the office and corrected many problems that were identified. Since the office was built before computer systems were available, there were inadequate electrical outlets for all the new equipment that has become standard over the past 30 years. Many potentially unsafe electrical practices had crept in as the need for additional electrical outlets increased. With the assistance of the UOSH Division, problems were identified and then many offices and cubicles were rewired, outdated power strips which did not comply with building codes were replaced, and the Commission eliminated tangled wires and power strips that were “daisy chained.”

Improved Internal Controls in Handling Cash Receipts and Disbursements

During 2009, the procedures for cash receipts, cash disbursements, bidding and purchasing were formalized in written documents. Procedures were reviewed for compliance with internal control guidelines as detailed in new state policy and as in national governmental accounting standards. An internal audit function was initialized, as well as a system to annually review and update all the office policies and handbooks.



Workplace Safety Grant Program



Elena Bensor

MANAGER

(801) 530-6918

elenabensor@utah.gov



Sheldon Packard of Kaysville Jr. High was this year's Workplace Safety Poster Grand Prize Winner and was awarded \$500.

Overview

The Workplace Safety Grant Program was established from funds appropriated by the Legislature to award funds for projects or initiatives that demonstrate a commitment to workplace safety. Grants are awarded for programs such as, but not limited to, the development of workshops, training programs, implementation of specialized safety programs, increasing effort and resources for existing programs, and collaborative workplace safety training between organizations.

FY2009 Highlights

A successful outreach campaign was held to increase awareness of the availability of workplace safety grants. This provided the Labor Commission with the opportunity to develop partnerships with some outstanding organizations such as

The Leonardo, The Latin American Chamber of Commerce, Malt-O-Meal, Alliance Community Services, Centro de la Familia, Utah Colleges of Applied Technology, Utah State University, the Utah Manufacturers' Association, the Associated General Contractors of Utah and many others.

During FY2009, the Commission received about 50 proposals, about the same number as in FY2008. A total of 31 grants were awarded in the amount of \$1,043,000 toward the development of some notable projects which include:

- The Leonardo is working in collaboration with the Utah Labor Commission to develop "The Faces of Safety." This project will develop a personal, highly visual, interactive means of understanding statistics via frequency representation. This exhibit and workshops will consist of a series of people's faces combined with safety statistics and containing simple interactive exercises for participants to emphasize techniques and methods to prevent or minimize accidents in the workplace.
- Collaboration with the Latin-American Chamber of Commerce designed to implement a safety awards luncheon and develop safety programs for small minority-owned Utah Businesses.
- Spanish language workshops provided by Alliance Community Services, created in collaboration with the Workers Compensation Fund of Utah, the Utah Safety Council and other Hispanic-Latino Community based organizations to increase workplace safety awareness and reduce the number of on-the-job injuries.
- Safety scholarships through the Utah Safety Council.

- Development of workplace safety classes for limited English speakers in partnerships with the Applied Technology colleges throughout Utah.
- The Labor Commission has distributed over 4,000 bilingual (English-Spanish) safety DVD's to employers, workplace safety specialists and community based organizations in Utah, California, and Colorado.
- This program has been so well received, that the Workplace Safety Grant Program has funded a new instructional DVD project through Center for Educational Programming in collaboration with the Utah Farm Bureau for FY2009 addressing farm worker safety.

Workplace Safety Poster Contest

Each year, as part of the Labor Commission's outreach program, money from the Workplace Safety Fund is used to sponsor a "Take Safety Seriously" poster contest to promote safety awareness for Utah's future workforce. The poster contest, in its 12th year, is open to all middle and junior high schools across Utah, including Charter Schools and private schools. Cash awards are given to the winners and to their schools. This year's winning entries were chosen from over 1,100 entries submitted by 33 different middle and junior high schools throughout Utah. The top 12 entries are then included in a safety calendar and 25,000 copies are distributed to schools, businesses, and community organizations.



Katie Davis, Juab Middle School was this year's 1st Runner-up and received \$300.

Awards, Honors and Affiliations

Labor Commission Employee of the Quarter Award

Lola Chacon

Employee of the 3rd Quarter,
2008 Utah Occupational Health
& Safety Division

Shirley Cordova

Employee of the 4th Quarter,
2008 Industrial Accidents Division

Jed Hill

Employee of the 1st Quarter,
2009 Utah Occupational Health
& Safety Division

Jill Graham

Employee of the 2nd Quarter, 2009
Antidiscrimination & Labor Division

Administration Division

Sherrie Hayashi

West Region Representative
of National Association of
Government Labor Officials

Elena Bensor

Successfully completed the
Certified Public Manager
program, graduating in July, 2009.

David Lamb

Member of American Institute
of CPAs (AICPA) and the Utah
Association of CPAs (UACPA)

Bobie Tupou

Member of Association of
Governmental Accountants (AGA)

Adjudication Division

Debbie Hann

Recognized by Governor Jon M.
Huntsman for outstanding service
rendered.

Karla S. Rush

Recognized by Governor
Jon M. Huntsman for outstanding
service rendered, and success-
fully completed the Certified
Public Manager program,
graduating June, 2009.

Antidiscrimination & Labor Division

Heather Morrison

Member International Association
of Official Human Rights Agencies.

Brent Asay

Member Interstate Labor
Standards Association

Boiler, Elevator, & Coal Mine Safety Division

Rodney Sweet

Utah Army Guard, 142nd Military
Intelligence Battalion. Mr. Sweet
was deployed to Afghanistan from
January 08 - March 09.

Mike Pedersen

Member of National Association
of Elevator Safety Authorities
(NAESA).

Rick "Shorty" Sturm

Member National Board of Boiler &
Pressure Vessel Inspectors (NBBI).

Pete Hackford &

Rick "Shorty" Sturm

Received "Patriot Award" from
the Employer Support of the Guard
and Reserve which is an organiza-
tion within the U.S. Department of
the Defense. The award is designed
to recognize employers who support
a strong National Guard and
Reserve Force.

Awards, Honors, and Affiliations (Continued)

Industrial Accidents Division**Larry D. Bunkall**

Serving as President of the Western Association of Workers' Compensation Boards (WAWCB)

UOSH Division**VPP Awards**

The Voluntary Protection Program (VPP) promotes comprehensive workplace safety and health management systems through cooperative relationships among management, labor, and OSHA. Admission to VPP status constitutes UOSH's official recognition of company management and employees who have achieved exemplary occupational safety and health. Through FY2009, UOSH recognized three companies with VPP status:

| | |
|----------------------------|------|
| Frito Lay | 410 |
| GE Healthcare | 670 |
| Morton Salt | 150 |
| Total VPP Employees..... | 1290 |

SHARP Awards

OSHA's Safety and Health Achievement Recognition Program (SHARP) recognizes small employers who operate exemplary safety and health management systems. Through FY2009, UOSH Consultation recognized four companies in the SHARP Program.

| | |
|----------------------------------|-----|
| Jennmar Corporation | 53 |
| Wencor Group | 308 |
| Futura Industries | 250 |
| Sweet Candy Company | 158 |
| Total SHARP Employees | 769 |

**2009 Utah Labor Commission Safety Award****Balchem Corporation**

Balchem Corporation's principal activity is to manufacture and market specialty performance ingredients for food, feed and pharmaceutical, and medical sterilization industries.

In 2006, after recently beginning operations in Utah, Balchem Corporation contacted Utah OSHA Consultation to evaluate their current safety and health program. Balchem has worked continuously to improve its program and ensure that safety and health is incorporated into all aspects of their operations. Balchem Corporation has no recordable injuries or lost days since beginning operations in Utah.

UTAH LABOR COMMISSION

Phone Directory and Services Information

Commissioner: Sherrie Hayashi

P.O. Box 146600

160 East 300 South, 3rd Floor

Salt Lake City, Utah 84114-6600

www.laborcommission.utah.gov

| | |
|--|---------------------|
| Utah Labor Commission Main Number: | (801) 530-6800/6801 |
| Toll free in state: | (800) 530-5090 |
| Administrative Services: | (801) 530-6880 |
| Customer Relations: | (801) 530-6800 |
| Antidiscrimination & Labor: Employment & Housing | |
| Discrimination, Labor & Wage Claims: | (801) 530-6801 |
| Toll free: | (800) 222-1238 |
| Adjudication | (801) 530-6800 |
| Boiler, Elevator & Coal Mine Safety | (801) 530-6850 |
| Boiler Inspectors | (801) 530-6850 |
| Elevator Inspectors | (801) 530-6850 |
| Office of Coal Mine Safety | (435) 636-1467 |
| Toll free: | (888) 988-6463 |
| | (888) UT-MINE |
| Miner Certification | (435) 636-1465 |
| Industrial Accidents & Worker's Compensation: | (801) 530-6800 |
| Toll free: | (800) 530-5090 |
| Employers' Reinsurance Fund (ERF) | (801) 530-6800 |
| Uninsured Employers' Fund (UEF) | (801) 530-6800 |
| Utah Occupational Safety & Health — | |
| Utah OSHA Main Number | (801) 530-6901 |
| To report workplace fatalities, injuries, or to file a safety complaint | (801) 530-6901 |
| Questions about UOSH inspections | (801) 530-6901 |
| Questions about Job Safety & Health — | |
| Consultation Services | (801) 530-6855 |
| Labor Commission — Workplace Safety — | |
| Grants and Resources | (801) 530-6918 |

UTAH LABOR COMMISSION



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